

1 Staci Griffin-Burk
2 2487 S. Gilbert Rd #106-609
3 Gilbert, AZ 85295
4 (480) 343-4518

5 Proper Defendant

6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF ARIZONA**

8 **NICOLE RICHARDSON, a single woman**)
9 Plaintiff,) 2015-CV-00343-ROS

10 vs.) **ANSWER**

11 **STACI GRIFFIN-BURK, a single woman,**)
12 **and GILBERT UNIFIED PUBLIC**)
13 **SCHOOL DISTRICT No. 41 of**) *(Assigned to the Hon. Roslyn O. Silver)*
14 **MARICOPA COUNTY, a political**)
15 **subdivision of the State of Arizona.**)

16 Defendant.

17 Defendant, Staci Griffin-Burk, hereby answers the complaint filed in this action as
18 follows;

19 **PARTIES AND JURISDICTION**

20 1. Insufficient information to admit or deny the allegation. Based upon Plaintiffs
21 assertion to the Federal Court that there is no Federal question regarding her 42 U.S.C.
22 1983 claim, Defendant believes that Plaintiff has withdrawn this claim from further
23 prosecution.
24 2. Insufficient information to admit or deny the allegation. Defendant does not know
25 where Plaintiff resides.

- 1 3. Admits the allegation.
- 2 4. Admits the allegation.
- 3 5. Denies the allegation.
- 4 6. Insufficient information to admit or deny the allegation.
- 5 7. Admits the allegation.
- 6 8. Insufficient information to admit or deny the allegation.
- 7 9. Insufficient information to admit or deny the allegation.
- 8 10. Denies the allegation.

10 **ALLEGATIONS COMMON TO ALL COUNTS**

11 **Plaintiff's Employment with the District**

- 13 11. Insufficient information to admit or deny the allegation.
- 14 12. Insufficient information to admit or deny the allegation.
- 15 13. Insufficient information to admit or deny the allegation.
- 16 14. Insufficient information to admit or deny the allegation.
- 17 15. Insufficient information to admit or deny the allegation.
- 18 16. Admits the allegation.
- 19 17. Insufficient information to admit or deny the allegation.
- 20 18. Insufficient information to admit or deny the allegation.

22 **Staci Burk's Dealings with and as part of the Board**

- 24 19. Denies the allegation.
- 25 20. Insufficient information to admit or deny the allegation.

1 21. Denies the allegation.

2 22. Denies the allegation.

3 23. Admits the allegation.

4 24. Admits the allegation.

5 25. Denies the allegation. In 2013, the *unpaid* volunteer elected school district governing
6 board consisted of the following members in the following positions;

7	Staci Griffin-Burk	President
8	Julie Smith	Clerk
9	Daryl Colvin	Member
10	Jill Humpherys	Member
11	Lily Tram	Member

12
13 26. Denies the allegation.

14 27. Denies the allegation.

15 28. Denies the allegation. Upon information and belief, administrator Jared Ryan
16 contacted board member Julie Smith seeking a promotion into the Superintendents
17 cabinet. According to Mrs. Smith, Mr. Ryan told her that if he did not get a promotion
18 into the Superintendents cabinet, he would be leaving the district. Mrs. Smith
19 communicated to Defendant Griffin-Burk the content of her conversation with Mr. Ryan
20 and that Mr. Ryan sought to speak directly with Defendant Griffin-Burk by a given
21 deadline to ascertain whether or not Defendant would support Mr. Ryan in getting a
22 promotion.

23 29. Denies the allegation as to any suggestion that this communication represents a
24 hostile relationship between the Defendant and District staff. The excerpt of the e-mail
25 communication from Julie Smith to Defendant was on or around the date that the

1 telephone conversation took place and is believed by Defendant to communicate what
2 Smith's expectations were if she were to support Mr. Ryan for a promotion into the
3 Superintendents cabinet. Mr. Ryan did not leave the District at that time. The following
4 year Mr. Ryan contacted the Defendant and asked if he could be promoted into the
5 Superintendents cabinet and if not, he would be leaving for a different position which
6 paid more money. At that time Defendant approached the new Superintendent Christina
7 Kishimoto and presented the request of Mr. Ryan. Superintendent Kishimoto said the
8 District could offer Mr. Ryan a nominal salary increase if he were to stay, but could not
9 guarantee a position in the Cabinet. Mr. Ryan subsequently resigned and took the
10 position with another district for a salary increase.

11 30. Admits the allegation.

12 31. Insufficient information to admit or deny the allegation. Defendant cannot confirm or
13 deny outside 3rd parties statements to media sources.

14 32. Insufficient information to admit or deny the allegation. Defendant is unable to locate
15 the cited newspaper article and therefore cannot confirm or deny its validity.

16 33. Denies the allegation. This allegation has been investigated by the Arizona Attorney
17 General's Office Open Meeting Law Enforcement Team ("OMLET") and determined by
18 their office to be unsubstantiated.

19 34. Insufficient information to admit or deny the allegation. Allegation involves persons
20 other than Defendant.

21 35. Denies the allegation.

22
23 **Dissembling and Retaliation**

24 36. Denies the allegation.

25 37. Insufficient information to admit or deny the allegation.

1 38. Insufficient information to admit or deny the allegation.

2 39. Denies the allegation.

3 40. Denies the allegation.

4 41. Insufficient information to admit or deny the allegation.

5 42. Insufficient information to admit or deny the allegation.

6 43. Admits the allegation.

7 44. Insufficient information to admit or deny the allegation. Upon information and belief,
8 the Greens were made aware of the existence of the public record by someone other than
9 Defendant Griffin-Burk. Defendant denies any allegation that she communicated this
10 information to the Greens.

11 45. Insufficient information to admit or deny the allegation.

12 46. Insufficient information to admit or deny the allegation.

13 47. Insufficient information to admit or deny the allegation.

14 48. Admits the allegation.

15 49. Denies the allegation.

16 50. Answering this allegation would require revealing board discussions held during
17 executive session which is against Arizona Law. Otherwise denies the allegation.

18 51. Admits the allegation.

19 52. Admits the allegation. Upon information and belief, attorney Don Conrad was hired
20 by the law firm of Georgia Staton due to sensitive and active litigation so that the
21 investigation report and its contents would not be made public. However, Plaintiff was
22 aware of the content of this report and contrary to the best interest of the District, she
23 discussed it publicly on social media. Superintendent Jack Keegan stated to Defendant
24 Griffin-Burk that shortly before the Plaintiff revealed the content of the attorney-client
25 privileged report on social media, Dr. Keegan and Plaintiff discussed the matter as

1 Plaintiff expressed a desire to post the information. Superintendent Keegan told
2 Defendant that he specifically instructed Plaintiff not to do so shortly before she did it as
3 this information was privileged. Superintendent Keegan told Defendant that because of
4 this [act of insubordination], he would be placing Plaintiff on administrative leave the
5 following morning.

6 53. Insufficient information to admit or deny the allegation.

7 54. Insufficient information to admit or deny the allegation.

8 55. Insufficient information to admit or deny the allegation.

9 56. Insufficient information to admit or deny the allegation.

10 57. Denies the allegation. Although Mr. Conrad noted this in his report, after Defendant
11 and at least one other board member were contacted by Kami Cottle and told that no one
12 had tried to contact her and she could prove that with her caller identification records,
13 Defendant contacted Don Conrad. Mr. Conrad indicated that he did not try to contact Ms.
14 Cottle directly, that he relied upon district office staff to set up the interview. He stated
15 that he was told that Ms. Cottle didn't respond. Defendant then contacted district staff
16 and was told that Mr. Conrad was setting up his own interview with Kami Cottle.
17 Therefore, it is Plaintiffs belief that Kami Cottle was not contacted for an interview.

18 58. Insufficient information to admit or deny the allegation.

19 59. Insufficient information to admit or deny the allegation.

20 60. Insufficient information to admit or deny the allegation.

21 61. Insufficient information to admit or deny the allegation.

22 62. Denies the allegation.

23 63. Denies the allegation.

24 64. Denies the allegation.

1 65. Insufficient information to admit or deny the allegation. This allegation involves 3rd
2 unrelated parties apparent blog of which Defendant Griffin-Burk was not involved.

3 66. Insufficient information to admit or deny the allegation. This allegation involves 3rd
4 unrelated parties apparent blog of which Defendant Griffin-Burk was not involved.

5 67. Insufficient information to admit or deny the allegation. This allegation involves 3rd
6 unrelated parties apparent blog of which Defendant Griffin-Burk was not involved.

7 68. Insufficient information to admit or deny the allegation. This allegation involves 3rd
8 unrelated parties apparent blog of which Defendant Griffin-Burk was not involved.

9 69. Insufficient information to admit or deny the allegation. This allegation involves 3rd
10 unrelated parties apparent blog of which Defendant Griffin-Burk was not involved.

11 70. Insufficient information to admit or deny the allegation.

12 71. Denies the allegation. Upon information and belief, the Cottle resignation was a
13 public record obtained by the Greens and provided directly to the Nicitas by the Greens.
14 Defendant Griffin-Burk had no involvement in facilitating this exchange of information.

15 72. Insufficient information to admit or deny the allegation.

16 73. Denies the allegation.

17 74. Insufficient information to admit or deny the allegation. This allegation involves 3rd
18 unrelated parties apparent blog of which Defendant Griffin-Burk was not involved.

19 75. Insufficient information to admit or deny the allegation. This allegation involves 3rd
20 unrelated parties apparent blog of which Defendant Griffin-Burk was not involved.

21 76. Insufficient information to admit or deny the allegation. This allegation involves 3rd
22 unrelated parties apparent blog or social media postings of which Defendant Griffin-Burk
23 was not involved.

24

25

1 77. Insufficient information to admit or deny the allegation. This allegation involves 3rd
2 unrelated parties apparent blog or social media postings of which Defendant Griffin-Burk
3 was not involved.

4 78. Insufficient information to admit or deny the allegation. This allegation involves 3rd
5 unrelated parties apparent blog or social media postings of which Defendant Griffin-Burk
6 was not involved.

7 79. Insufficient information to admit or deny the allegation.

8 80. Insufficient information to admit or deny the allegation.

9 81. Insufficient information to admit or deny the allegation.

10 82. Denies the allegation.

11 83. Insufficient information to admit or deny the allegation.

12 84. Denies the allegation. Upon investigation by Defendant, Defendant has learned that
13 Trisha Wright, an outside 3rd party, is responsible for this post and this information could
14 have been easily obtained by Plaintiff if she had inquired. Defendant does not believe that
15 an exhibit with an anonymous social media post and with a circle and an arrow which
16 reads "This is Staci Burk", should be accepted by the Court as evidence. The
17 administrator of the Parents for a Responsible School Board social media page, Trisha
18 Wright, communicated to Defendant that no one had sent the administrator a private
19 message inquiring as to her identity and had they, Mrs. Wright would have
20 communicated her identity to the Plaintiff.

21 85. On or around the evening of February 24th, Defendant was contacted by several
22 parents asking whether or not an investigation had actually occurred and if they could
23 obtain a copy of the report. Defendant Griffin-Burk advised the parents that they could
24 not have a copy of the report because it was attorney-client privileged. The constituent

1 parents inquired as to why they were been denied access to an investigation report while
2 the Plaintiff was openly discussing its content on social media.

3 Defendant Griffin-Burk, being aware that the purpose behind the investigation being
4 conducted at a more expensive cost through Georgia Staton's office was to keep the
5 investigation and its contents out of the public, contacted both attorney Susan Segal and
6 Superintendent Jack Keegan to inform them. Superintendent Keegan stated to Defendant
7 Griffin-Burk, that Plaintiff had been communicating with him about wanting to post the
8 investigation report content online and that Keegan specifically told her not to. Keegan
9 told Defendant that he would be placing the Plaintiff on administrative leave the
10 following morning for violating his direct instruction not to post on social media
11 information related to the investigation, but that Plaintiff did so anyway. This information
12 is further supported by the Plaintiffs own evidence included in the complaint as exhibit J.
13 At the bottom of Plaintiffs exhibit J, Superintendent Keegan letter asserts in part;

14
15 *"Based on this review I am rescinding Ms. Richardsons suspension.*

16 *However, she is to receive a letter stating that she did not follow my*
17 *order not to respond to this posting." (Exhibit A)*

18
19 At that time, Defendant Griffin-Burk further asked Keegan what she should do about
20 the parents complaints that the Plaintiff was publicly discussing contents of a report that
21 they were being denied access to, under the assertion the report was attorney-client
22 privileged and therefore not public. Mr. Keegan stated that an employee complaint could
23 be filed, but that he would be placing Ms. Richardson on leave for violating his
24 instruction to her [an act of insubordination] regardless of whether or not a parent
25 complaint was filed. Defendant followed up with those constituent parents and explained

1 that if they were concerned, an employee complaint could be filed according to policy.
2 The constituent parents requested that Defendant file a complaint on their behalf as they
3 feared retaliation from Plaintiff based on previous threats of action by Plaintiff.
4 Defendant Griffin-Burk filed the complaint on behalf of the parents making the request.

5 86. Denies the allegation. The post on February 24th, 2014, was made by Trisha Wright
6 acting on her own behalf and as the administrator of the social media page Parents for a
7 Responsible School Board. Defendant had no involvement in this social media post.

8 87. Denies the allegation. Upon information and belief, other pages of social media
9 postings were included with the complaint that do not appear to be included.
10 Additionally, the employee action request document is unrelated to the Defendant
11 Griffin-Burks complaint on behalf of the parents.

12 As stated above, upon information and belief, the employee action request for
13 administrative leave was a separate unrelated document generated at Superintendent
14 Keegans request. That process was initiated by Superintendent Keegan prior to receiving
15 the Defendants complaint and was unrelated to the Griffin-Burk complaint.

16 88. Denies the allegation.

17 89. Denies the allegation.

18 90. Insufficient information to admit or deny the allegations.

19 91. Insufficient information to admit or deny the allegations.

20 92. Insufficient information to admit or deny the allegations.

21 93. Denies the allegation.

22 94. Denies the allegation.

23 95. Denies the allegation.

24 96. Denies the allegation.

1 97. Denies the allegation as to Defendant Griffin-Burk. Otherwise insufficient
2 information to admit or deny the allegation.

3 98. Insufficient information to admit or deny the allegation.

4 99. Insufficient information to admit or deny the allegation.

5 100. Insufficient information to admit or deny the allegation.

6 101. Insufficient information to admit or deny the allegation.

7 102. Insufficient information to admit or deny the allegation.

8 103. Denies the allegation. Upon information and belief, the Plaintiff committed a
9 violation of ARS 15-511 during the override election in which Plaintiff admitted to the
10 use of district computers, in violation of the law. Defendant Griffin-Burk and
11 Superintendent Jack Keegan agreed to overlook this violation of law committed by the
12 Plaintiff. Upon information and belief, Plaintiff was counseled by Jack Keegan on the use
13 of school district resources during an election and following the law.

14 104. Insufficient information to admit or deny the allegation. Upon information and
15 belief, Plaintiff is referencing in this paragraph the letter she received regarding her act of
16 insubordination (not following Superintendent Keegans direct order), which Keegan
17 instructs Filloon to generate at the bottom of the Plaintiffs Exhibit J .

18 105. Insufficient information to admit or deny the allegation.

19 106. Insufficient information to admit or deny the allegation.

20 107. Denies the allegation as it relates to Defendant Griffin-Burk.

21 108. Denies the allegation.

22 109. Denies the allegation.

23 110. Denies the allegation.

24 111. Denies the allegation as to any involvement of Defendant Griffin-Burk.

25 112. Insufficient information to admit or deny the allegation.

1 113. Insufficient information to admit or deny the allegation.

2 114. Denies the allegation.

3 115. Denies the allegation.

4 116. A complete answer to this allegation requires release of executive session
5 discussions held by the entire board prior to the filing of the criminal investigation.
6 Otherwise admits the allegation.

7 117. Upon information and belief, the investigation is pending review by the Maricopa
8 County Attorneys Office.

9 118. Insufficient information to admit or deny the allegation.

10 119. Insufficient information to admit or deny the allegation.

11 120. Insufficient information to admit or deny the allegation.

12 121. Insufficient information to admit or deny the allegation.

13 122. Insufficient information to admit or deny the allegation.

14 123. Denies the allegation.

15 124. Denies the allegation.

16 125. Insufficient information to admit or deny the allegation.

17 126. Insufficient information to admit or deny the allegation.

18 127. Insufficient information to admit or deny the allegation.

19 128. Denies the allegation.

20 129. Insufficient information to admit or deny the allegation.

21 130. Insufficient information to admit or deny the allegation.

22 131. Insufficient information to admit or deny the allegation.

23 132. Insufficient information to admit or deny the allegation.

24 133. Denies the allegation.

25 134. Denies the allegation.

1 135. Denies the allegation.
2 136. Denies the allegation.
3 137. Insufficient information to admit or deny the allegation.
4 138. Denies the allegation.
5 139. Insufficient information to admit or deny the allegation.
6 140. Insufficient information to admit or deny the allegation.
7 141. Denies the allegation as to Defendant Griffin-Burk. Insufficient information to
8 admit or deny the allegation.
9 142. Insufficient information to admit or deny the allegation.
10 143. Insufficient information to admit or deny the allegation.
11 144. Insufficient information to admit or deny the allegation.
12 145. Denies the allegation.
13 146. Insufficient information to admit or deny the allegation.
14 147. Admits the allegation.
15 148. Admits the allegation.
16 149. Insufficient information to admit or deny the allegation.
17 150. Insufficient information to admit or deny the allegation.
18 151. Upon information and belief, Smith was referring to the Cottle investigation.
19 152. Insufficient information to admit or deny the allegation.
20 153. Denies the allegation. Upon information and belief, the Board was awaiting further
21 investigation of the Cottle allegations based upon Cottles contention that she had not
22 been contacted and still desired to actively participate in the investigation of her
23 complaint and provide her evidence and audio recordings.
24 154. Insufficient information to admit or deny the allegation. On June 10, 2014, Board
25 member Lily Tram emailed Defendant Griffin-Burk requesting the status of the

1 investigation regarding the allegations that former employee Cami Cottle made against
2 the Plaintiff. Defendant requested that interim Superintendent Jim Rice respond to Board
3 Member Tram. Superintendent Rice communicated the following to Defendant Griffin-
4 Burk, on June 11th, 2014;

5 *"Should I contact Don Conrad to interview Cami? I would like to have both these
6 individuals resolved by the time Christina takes over July 1."* (Exhibit B)

7 On or around July 21, 2014, Defendant Griffin-Burk engaged in communications with the
8 new Superintendent Christina Kishimoto, in which Christina Kishimoto communicated
9 that the investigation and resolution of the Cami Cottle issue was not complete. (Exhibit
10 C).

11 155. Denies the allegation.

12 156. Denies the allegation.

13 157. Insufficient information to admit or deny the allegation. The complete record
14 Plaintiff refers to was removed from the anonymous Gilbert Public School Board
15 Observer social media page that the Plaintiff refers to in this allegation.

16 158. Denies the allegation. The transcript attached is not a true copy of the full and
17 complete record.

18 159. Admits the allegation.

19 160. Admits the allegation.

20 161. Denies the allegation. Plaintiff knowingly and falsely asserts to this Court in her
21 complaint that *"Defendant falsely states that Keegan had not completed his investigation
22 of the Burk Complaint."* The relevant part of the Plaintiffs own exhibit L related to this
23 allegation proves the exact opposite. Defendant did not at any time assert that the
24 complaint Defendant filed on behalf of constituent parents was still being investigated as
25

1 Plaintiff attempts to mislead the Court. The relevant part of Plaintiffs own exhibit L
2 which proves the opposite reads as follows;

3
4 [REDACTED] Staci Burk I know how the investigation that I requested on behalf of several
5 parents ended. You have outlined that. There was a letter. There was a separate
6 investigation initiated by a district staff member that worked with Ms. Richardson
7 that has not been completed and has some serious allegations. I hope that helps
8 clarify any misunderstandings about which investigation we may be talking about.
9 Like. Reply 2 hours ago

10 162. Denies the allegation.
11 163. Insufficient information to admit or deny the allegation.
12 164. Insufficient information to admit or deny the allegation.
13 165. Denies the allegation.
14 166. Denies the allegation that the statements are false.
15 167. Upon information and belief, Kami Cottle was not contacted.
16 168. Insufficient information to admit or deny the allegation.
17 169. Denies the allegation.
18 170. Insufficient information to admit or deny the allegation.
19 171. Admits the allegation related to the Filloon letter. Insufficient information to admit
20 or deny which Keegan memo Plaintiff is referring to.
21 172. Admits the allegation.

22 **Count I**

23 *(Civil Rights Violations, constructive discharge, retaliation)*

24 173. Defendant incorporates by reference the answers contained in paragraphs 1 through
25 172 above as fully set forth herein.
174. Admits the allegation. Additionally, based upon Plaintiffs assertion to the Federal
Court that there is no Federal question regarding her 42 U.S.C. 1983 claim, Defendant
believes that Plaintiff has withdrawn this claim from further prosecution.

1 175. Insufficient information to admit or deny the allegation. Additionally, based upon
2 Plaintiffs assertion to the Federal Court that there is no Federal question regarding her 42
3 U.S.C. 1983 claim, Defendant believes that Plaintiff has withdrawn this claim from
4 further prosecution.

5 176. Insufficient information to admit or deny the allegation. Allegation alleges action
6 of 3rd parties of which Defendant has insufficient knowledge to admit or deny.
7 Defendant Griffin-Burk denies the allegation as to any role Plaintiff asserts the Defendant
8 was a part of. Additionally, based upon Plaintiffs assertion to the Federal Court that
9 there is no Federal question regarding her 42 U.S.C. 1983 claim, Defendant believes that
10 Plaintiff has withdrawn this claim from further prosecution.

11 177. Insufficient information to admit or deny the allegation. Allegation alleges action
12 of 3rd parties of which Defendant has insufficient knowledge to admit or deny.
13 Defendant Griffin-Burk denies the allegation as to any role Plaintiff asserts the Defendant
14 was a part of. Additionally, based upon Plaintiffs assertion to the Federal Court that there
15 is no Federal question regarding her 42 U.S.C. 1983 claim, Defendant believes that
16 Plaintiff has withdrawn this claim from further prosecution.

17 178. Insufficient information to admit or deny the allegation. Allegation alleges action
18 of 3rd parties of which Defendant has insufficient knowledge to admit or deny.
19 Defendant Griffin-Burk denies the allegation as to any role Plaintiff asserts the Defendant
20 was a part of. Additionally, based upon Plaintiffs assertion to the Federal Court that there
21 is no Federal question regarding her 42 U.S.C. 1983 claim, Defendant believes that
22 Plaintiff has withdrawn this claim from further prosecution.

23 179. Denies the allegation. Additionally, based upon Plaintiffs assertion to the Federal
24 Court that there is no Federal question regarding her 42 U.S.C. 1983 claim, Defendant
25 believes that Plaintiff has withdrawn this claim from further prosecution.

1 180. Insufficient information to admit or deny the allegation. Allegation alleges action
2 of 3rd parties of which Defendant has insufficient knowledge to admit or deny.
3 Defendant Griffin-Burk denies the allegation as to any role Plaintiff asserts the Defendant
4 was a part of. Additionally, based upon Plaintiffs assertion to the Federal Court that there
5 is no Federal question regarding her 42 U.S.C. 1983 claim, Defendant believes that
6 Plaintiff has withdrawn this claim from further prosecution.

7 181. Insufficient information to admit or deny the allegation. Additionally, based upon
8 Plaintiffs assertion to the Federal Court that there is no Federal question regarding her 42
9 U.S.C. 1983 claim, Defendant believes that Plaintiff has withdrawn this claim from
10 further prosecution.

11 182. Insufficient information to admit or deny the allegation. Allegation alleges action
12 of 3rd parties of which Defendant has insufficient knowledge to admit or deny.
13 Defendant Griffin-Burk denies the allegation as to any role Plaintiff asserts the Defendant
14 was a part of. Additionally, based upon Plaintiffs assertion to the Federal Court that there
15 is no Federal question regarding her 42 U.S.C. 1983 claim, Defendant believes that
16 Plaintiff has withdrawn this claim from further prosecution.

17 183. Insufficient information to admit or deny the allegation. Allegation alleges action
18 of 3rd parties of which Defendant has insufficient knowledge to admit or deny.
19 Defendant Griffin-Burk denies the allegation as to any role Plaintiff asserts the Defendant
20 was a part of. Additionally, based upon Plaintiffs assertion to the Federal Court that there
21 is no Federal question regarding her 42 U.S.C. 1983 claim, Defendant believes that
22 Plaintiff has withdrawn this claim from further prosecution.

23 184. Denies the allegation as to Defendant Griffin-Burk. Additionally, based upon
24 Plaintiffs assertion to the Federal Court that there is no Federal question regarding her 42
25

1 U.S.C. 1983 claim, Defendant believes that Plaintiff has withdrawn this claim from
2 further prosecution.

3 185. Denies the allegation. Additionally, based upon Plaintiffs assertion to the Federal
4 Court that there is no Federal question regarding her 42 U.S.C. 1983 claim, Defendant
5 believes that Plaintiff has withdrawn this claim from further prosecution.

6 186. Denies the allegation. Additionally, based upon Plaintiffs assertion to the Federal
7 Court that there is no Federal question regarding her 42 U.S.C. 1983 claim, Defendant
8 believes that Plaintiff has withdrawn this claim from further prosecution.

9 187. Denies the allegation as it relates to Defendant Griffin-Burk. Additionally, based
10 upon Plaintiffs assertion to the Federal Court that there is no Federal question regarding
11 her 42 U.S.C. 1983 claim, Defendant believes that Plaintiff has withdrawn this claim
12 from further prosecution.

13 188. Insufficient information to admit or deny the allegation. Upon information and
14 belief based upon Plaintiffs assertion that she continued on medical leave, Plaintiff
15 should have obtained short term disability benefits regardless of her choice and decision
16 to resign from the District. Both the short and long term disability programs would
17 afford the Plaintiff an actual monetary benefit equal to or greater than her take home pay
18 while actively employed District as that income is not taxable. Upon information and
19 belief, Plaintiff is receiving Long Term Disability through the Arizona State Retirement
20 System which continues to accumulate years of service while receiving the benefit,
21 thereby securing and preserving her future retirement benefit. Additionally, based upon
22 Plaintiffs assertion to the Federal Court that there is no Federal question regarding her 42
23 U.S.C. 1983 claim, Defendant believes that Plaintiff has withdrawn this claim from
24 further prosecution.

25 **Count II**

(Intentional Infliction of Emotional Pain and Suffering)

189. Defendant incorporates by reference the answers contained in paragraphs 1 through
172 above as fully set forth herein.

190. Denies the allegation.

191. Denies the allegation.

192. Denies the allegation.

193. Admits the allegation in that board members should where possible act in ways that support and promote public confidence in both the Board and the District.

194. Admits the allegation.

195. Denies the allegation as to acts alleged against Defendant Griffin-Burk, otherwise insufficient information to admit or deny.

196. Denies the allegation as to acts alleged against Defendant Griffin-Burk, otherwise insufficient information to admit or deny.

197. Denies the allegation.

198. Denies the allegation.

Count III

(Defamation)

199. Defendant incorporates by reference the answers contained in paragraphs 1 through
172 above as fully set forth herein.

200. Denies the allegation.

201. Denies the allegation.

202. Denies the allegation.

203. Denies the allegation.

204. Admits the allegation.

205. Denies the allegation.

1 206. Denies the allegation.
2 207. Denies the allegation.
3 208. Denies the allegation.
4 209. Denies the allegation.
5 210. Denies the allegation as to Defendant Griffin-Burk. Otherwise insufficient
6 information to admit or deny.
7 211. Denies the allegation.
8
9

9 **WHEREFORE**, Defendant respectfully requests that the Court accept the answer to this
10 complaint submitted this 10th day of March, 2015.

11
12 
13

14 Staci Griffin-Burk
15
16

17 **ORIGINAL** of the foregoing filed this 10th day of March, 2015 with:
18

19 Honorable Roslyn O. Silver
20 United States District Court - District Court of Arizona
21 401 W. Washington Street, Suite 130
22 Phoenix, Arizona
23

24 and a **COPY** mailed and/or electronically this same day to:
25

26 William R. Richardson, Esq.
27 1745 South Alma School Road, Suite 100
28 Mesa, Arizona 85210-3010
29

30 Georgia A. Staton, Esq.
31 Jones, Skelon & Hochuli P.L.C
32 2901 North Central Avenue, Suite 800
33 Phoenix, Arizona 85012
34

Exhibit A



Interim Superintendent
John J. Keegan, Jr., Ed.D.

GPS Governing Board
President
Staci Burk
Clerk
Julie Smith
Members
Daryl Colvin
Jill Humphreys
Lily Tram

March 6, 2014

To: Jeff Filloon
From: Jack Keegan

Re: Nicole Richardson, Complete

I have reviewed Ms. Staci Burk's complaint regarding Nicole Richardson's posting of information that was allegedly contained in an attorney/client privileged report on the website and the allegation that she threatened a parent with a libel suit as a response to a blog site entitled *mysocalledcrisis*. The blog posting was entitled, '**one "sinking ship" and oodles of anonymous sources**'. I reviewed the material that was posted by Ms. Richardson. I also consulted with Ms. Georgia Staton, our attorney, through whose firm Don Conrad was hired to conduct an investigation of the allegations made by Kami Cottle. Mr. Conrad reviewed and submitted a report detailing the results of his review of Ms. Cottle's charges and allegations. After reviewing Mr. Conrad's report, I submitted a copy of the full report, including attachments, to the Human Resources department for filing with the Cottle file. In addition, I permitted Ms. Richardson to review the report based upon her request and I consulted with Ms. Staton. I was advised that I, as superintendent, was the person who authorized the investigation and hired Ms. Staton's firm. Because as superintendent I was the client, Ms. Staton advised me that I had the authority to release the report. The client was not the School Board because it was important that the investigation be separate from the board in case after the investigation the board needed to hold a due process hearing on one or more individuals identified in the report.

Since the report and Ms. Richardson's posting I have been informed by several board members that they have received communication from Ms. Cottle stating that she would now be willing to talk with our investigator. Our investigator at this point is out of the country. Upon his return, Ms. Staton will ask him to interview Ms. Cottle and then, add an addendum to the report if appropriate. In his report, Mr. Conrad stated that he tried to contact Ms. Cottle but she never returned his calls or emails. The phone number given by Ms. Cottle to the board member is the same number the District gave Mr. Conrad. However, since this request came after the release of the original report, an addendum will also be released once Mr. Conrad completes his interview of Ms. Cottle. If necessary or appropriate, Mr. Conrad may modify his findings in his report.

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Based on this review I am rescinding Ms. Richardson's suspension. However, she is to receive a letter stating that she did not follow my order not to respond to this posting. If you have any questions regarding this, please do not hesitate to contact me.

Exhibit B

Compose ← Search results ← → Delete Move ... More Collapse All

Inbox (8810) Cami Cottle(8) People

Drafts (183)

Sent

Spam (525)

Trash (3)

Folders (9999+)

Smart Views

- Unread
- Starred
- People
- Social
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- Shopping
- Finance

Recent

me Please respond Dr. Rice. Thank you. Sent Jun 11, 2014

me No. I thought we were asking another in Jun 11, 2014

Jim Rice Staci, Yes, you did tell me you did. Jun 11, 2014

me He has probably not returned your call t Jun 11, 2014

Jim Rice I am sorry that is not my impressio Jun 11, 2014

me No to Don Conrad. I thought the board Jun 11, 2014

Jim Rice Fine, I am don't believe I know Der Jun 11, 2014

me Jun 11, 2014

To Jim Rice

She's on the Trust list. I'll look it up when I can. Hopefully later tonight

Sent from my iPhone

▼ Hide message history

On Jun 11, 2014, at 3:47 PM, "Jim Rice" <Jim.Rice@gilbertschools.net> wrote:

Fine, I am don't believe I know Denise. Do you have a phone number for her? Jim

>>> Staci Burk <stacigriffinburk@yahoo.com> 6/11/2014 2:36 PM
 >>>
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Sent from my iPhone

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Jim

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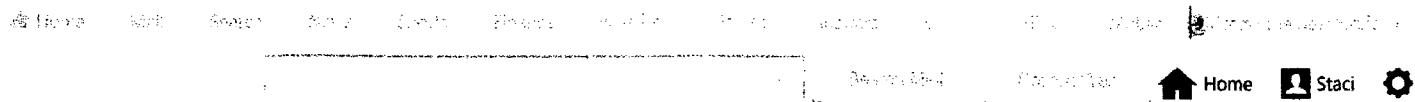
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↖ Redacted because unrelated employee was mentioned.



Cami Cottle(8)

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Sent from my iPhone

On Jun 11, 2014, at 8:52 AM, "Jim Rice" <Jim.Rice@gilbertschools.net> wrote:

Do you want me to cost Don Conrad?

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Staci Burk"
 Date: 06/11/2014 12:00 AM (GMT-07:00)
 To: Lily Tram
 Cc: Jim Rice
 Subject: Re: Cami Cottle

Please respond Dr. Rice. Thank you.

Sent from my iPhone

> On Jun 10, 2014, at 10:35 PM, "Lily Tram" <Lily.Tram@gilbertschools.net> wrote:
 >

> Staci,
 >
 > What is the status of the Cami Cottle investigation?
 >
 > Lily
 > <mime-attachment>

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EXECUTIVE SESSION content.

Jim

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Yes, you did tell me you did not want Don Conrad to complete the interview. If we hire another attorney, it will cost more money because they will need to read the investigation documents to become familiar with the case. I suggest I call Don and have him do the interview. Or do you want me to call Don Peters? Please do not recommend Greg Coulter. He still has not returned my call from two days ago regarding the investigation of [REDACTED] requested by the board prior to my arrival.

Jim

redacted unrelated
employee name.

>>> Staci Burk <stacigriffinburk@yahoo.com> 6/11/2014 9:14 AM >>>

No. I thought we were asking another investigator to interview her.

Sent from my iPhone

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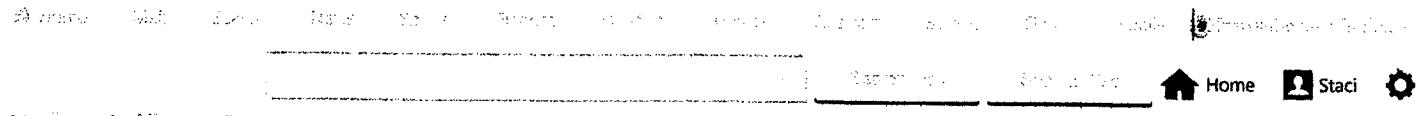
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Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Staci Burk"
Date: 06/11/2014 12:00 AM (GMT-07:00)
To: Lily Tram

Exhibit C



Compose

← Search results Move

Inbox (8810)

Drafts (183)

Sent

Spam (525)

Trash (3)

> **Folders (9999+)**

▼ Smart Views

Unread

Starred

People

Social

Travel

Shopping

Finance

> Recent

Nicole Richardson(16)

People

Superintendent

Gilbert Public Schools

140 South Gilbert Road

Gilbert, Arizona 85296

Phone (480) 497-3342

Fax (480) 497-3398

<IMAGE.BMP>

>>> Staci Burk <stacigriffinburk@yahoo.com> 7/21/2014 3:41 PM >>>

> Show message history

Reply, Reply All or Forward | More

Christina Kishimoto

Jul 21, 2014

To me

CC Daryl Colvin

Staci and Daryl, I did check with HR about the resignation of Ms. Cottle. They confirmed for me as you indicated that this action was not taken by the board. Therefore, I have asked Tina LePage to find me the minutes from the meeting where the Board made the decision not to approve so that I have the exact language.

Christina

Christina M. Kishimoto, Ed.D
Superintendent

Gilbert Public Schools

140 South Gilbert Road

Gilbert, Arizona 85296

Phone (480) 497-3342

Fax (480) 497-3398



Gilbert Public Schools

>>> Staci Burk <stacigriffinburk@yahoo.com> 7/21/2014 4:40 PM >>>

> Hide message history

When it comes to legal obligations, you may consider that Kami Cottle made the allegations against Nicole Richardson and we as a Board (as far as I know) have not accepted Kami Cottles resignation. We did not accept her resignation pending a thorough and complete investigation of her allegations.

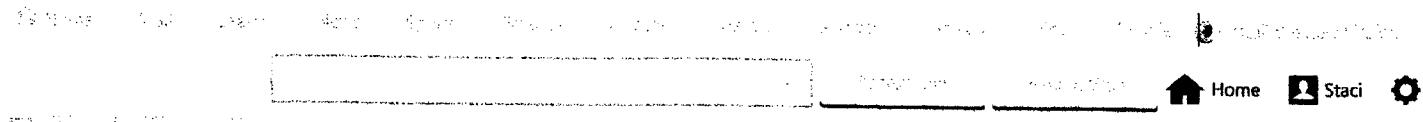
That was not done.

Therefore there is potential legal liability that for some time we have not accept the Cottle resignation pending the investigation. An outsider brought it to my attention not too long ago that we may potentially owe back pay to Cottle for not accepting her resignation or finishing the investigation (not that she is alleging that or asking for it). But it's legal liability to consider.

Sent from my iPhone

On Jul 21, 2014, at 4:02 PM, "Christina Kishimoto" <Christina.Kishimoto@gilbertschools.net> wrote:

Staci, please note that Daryl and I spoke about this earlier today.



Compose

← Search results ← ← → Delete Move ... More Collapse All

Inbox (8810)

Drafts (183)

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Smart Views

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Nicole Richardson(16)

People

Superintendent

Gilbert Public Schools

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Gilbert, Arizona 85296

Phone (480) 497-3342

Fax (480) 497-3398

<IMAGE.BMP>

>>> Staci Burk <stacigriffinburk@yahoo.com> 7/21/2014 3:41 PM

>>>

It's up to Daryl. I'm not sure I will be at the next board meeting. I told him the other day likely not.

Sent from my iPhone

On Jul 21, 2014, at 9:00 AM, "Christina Kishimoto"

<Christina.Kishimoto@gilbertschools.net> wrote:

Staci, based on the information we have shared with one another about the overall situation, did you want me to call Daryl Colvin to discuss or have you already been in contact with him? What do you think about having an Executive Session to discuss the file and situation with the entire Board? I would have to provide notice to Ms. Richardson right away.

Christina

Christina M. Kishimoto, Ed.D**Superintendent**

Gilbert Public Schools

140 South Gilbert Road

Gilbert, Arizona 85296

Phone (480) 497-3342

Fax (480) 497-3398

<IMAGE.BMP>

>>> Staci Burk <stacigriffinburk@yahoo.com> 7/21/2014 8:23 AM

>>>

Hi Dr. Kishimoto:

If it is your recommendation to place Nicole Richardson on the agenda knowing that the investigation was not complete because Kami Cottle was not contacted for an interview and she was the complainant, I will not stop you.

Thanks.

Staci Burk
Board President

Sent from my iPhone

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Board policy is that Board President decides the agenda in consultation with the Superintendent. This email placed decision re: whether or not to rehire Nicole Richardson into the Superintendent's hands.

Exhibit A



Interim Superintendent
John J. Keegan, Jr., Ed.D.

GPS Governing Board
President
Staci Burk
Clerk
Julie Smith
Members
Daryl Colvin
Jill Humphreys
Lily Tram

March 6, 2014

To: Jeff Filloon
From: *John J. Keegan*

Re: Nicole Richardson, Complete

I have reviewed Ms. Staci Burk's complaint regarding Nicole Richardson's posting of information that was allegedly contained in an attorney/client privileged report on the website and the allegation that she threatened a parent with a libel suit as a response to a blog site entitled *mysocalledcrisis*. The blog posting was entitled, '**one "sinking ship" and oodles of anonymous sources**'. I reviewed the material that was posted by Ms. Richardson. I also consulted with Ms. Georgia Staton, our attorney, through whose firm Don Conrad was hired to conduct an investigation of the allegations made by Kami Cottle. Mr. Conrad reviewed and submitted a report detailing the results of his review of Ms. Cottle's charges and allegations. After reviewing Mr. Conrad's report, I submitted a copy of the full report, including attachments, to the Human Resources department for filing with the Cottle file. In addition, I permitted Ms. Richardson to review the report based upon her request and I consulted with Ms. Staton. I was advised that I, as superintendent, was the person who authorized the investigation and hired Ms. Staton's firm. Because as superintendent I was the client, Ms. Staton advised me that I had the authority to release the report. The client was not the School Board because it was important that the investigation be separate from the board in case after the investigation the board needed to hold a due process hearing on one or more individuals identified in the report.

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As to the complaint stating that Ms. Richardson threatened parents with a potential lawsuit, I do not find what she stated on the web as threatening a lawsuit. She did mention that there are laws governing liable and that people can be held accountable for liable, when printing something that is not true. I do not find those statements as necessarily a threat of a suit.

* Based on this review I am rescinding Ms. Richardson's suspension. However, she is to receive a letter stating that she did not follow my order not to respond to this posting. If you have any questions regarding this, please do not hesitate to contact me.

Exhibit B

Compose Search results ← → Delete Move More Collapse All

Inbox (8810) Cami Cottle(8) People

Drafts (183)

Sent

Spam (525)

Trash (3)

Folders (9999+)

Smart Views

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Recent

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me Jun 11, 2014

To Jim Rice

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Sent from my iPhone

▼ Hide message history

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Jim

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Redacted because unrelated employee was mentioned.



Cami Cottle(8)

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Sent from my iPhone

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Do you want me to cost Don Conrad?

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Staci Burk"
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 To: Lily Tram
 Cc: Jim Rice
 Subject: Re: Cami Cottle

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Sent from my iPhone

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>
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 > <mime-attachment>

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Compose

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Drafts (183)

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Spam (525)

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Folders (9999+)

Smart Views

Unread

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People

Social

Travel

Shopping

Finance

Recent

Cami Cottle(8)

People

>>>

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Executive SESSION content.

Sent from my iPhone

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From: "Staci Burk"

Date: 06/11/2014 12:00 AM (GMT-07:00)

To: Lily Tram

Exhibit C



Compose

◀ Search results More

Inbox (8810)

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Spam (525)

Trash (3)

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Nicole Richardson(16)

People

Superintendent

Gilbert Public Schools

140 South Gilbert Road

Gilbert, Arizona 85296

Phone (480) 497-3342

Fax (480) 497-3398

<IMAGE.BMP>

>>> Staci Burk <stacigriffinburk@yahoo.com> 7/21/2014 3:41 PM >>>

▶ Show message history

Reply, Reply All or Forward | More

Christina Kishimoto

Jul 21, 2014

To me

CC Daryl Colvin

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Christina M. Kishimoto, Ed.D
Superintendent

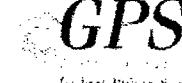
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Phone (480) 497-3342

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>>> Staci Burk <stacigriffinburk@yahoo.com> 7/21/2014 4:40 PM >>>

▼ Hide message history

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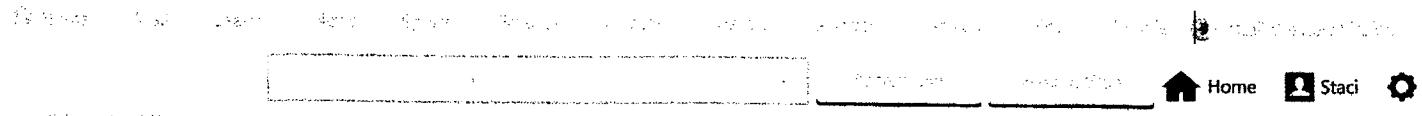
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Nicole Richardson(16)

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Superintendent

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Phone (480) 497-3342

Fax (480) 497-3398

<IMAGE.BMP>

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Christina M. Kishimoto, Ed.D

Superintendent

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<IMAGE.BMP>

>>> Staci Burk <stacigriffinburk@yahoo.com> 7/21/2014 8:23 AM

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Staci Burk
Board President

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K Board policy is that Board president decides the agenda in consultation with the Superintendent. This email placed decision re: whether or not to rehire Nicole Richardson into the Superintendent's hands.

Declaration of Staci Griffin-Burk

I, Staci Griffin-Burk, hereby declare upon my oath, that the statements provided in the attached answer to case 2015-CV-00343-ROS filed this 10th day of March, 2015 are true and correct to the best of my knowledge.



Staci Griffin-Burk